

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HON. CHARLES S. COODY, JUDGE AT Montgomery, Alabama

DATE COMMENCED: 2/2/06 **AT**

Montgomery, Alabama

DATE COMPLETED: 2/2/06 TO

Digital Recorded

UNITED STATES OF AMERICA

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V.

CASE NO.: 2:05CR119-MEE-CSC

DON SIEGLEMAN, ET AL.

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GOVERNMENT

APPEARANCES.

DEFENDANT

Atty. James B. Perrine
Atty. Louis V. Franklin, Sr.
Atty. Stephen P. Feaga
Atty. Joseph Fitzpatrick, Jr.

* Atty. Charles R. Pitt
* Atty. Doug Jones
* Atty. Arthur W. Leach
* Atty. Lewis Gillis
* Atty. Leslie V. Moore
* Atty. Christopher Whitehead
* Atty. Ron Wise

COURT OFFICIALS PRESENT:

Court Room Deputy: Wanda Stinson

Court Reporter: James Dickens

Law Clerk: Corrie Long

() NON-JURY TRIAL

(X) OTHER PROCEEDINGS: ORAL ARGUMENT ON MOTIONS

SEE MINUTES ATTACHED

LOG OF PROCEEDINGS ELECTRONICALLY RECORDED

Description	05cr119-N USA vs. Siegleman - Oral Arguments;	
Date	2 / 2 /2006	Location Courtroom 4B
Time	Speaker	Note
10:01:37 AM	Court	Court convenes; Discussion as to jury challenge motion and discovery; Discussion as to who would take lead on matters;
10:02:03 AM	Atty. Leach	Will argue for the defense;
10:02:16 AM	Court	Discussion as to whether the motion to dismiss is premature;
10:02:24 AM	Atty. Leach	Response - Not premature; site related cases to the court;
10:03:36 AM	Court	Discussion as to the Carmichael Challenge; Was it a challenge to the grand jury or petit jury?
10:03:51 AM	Atty. Leach	Only the petit jury;
10:03:56 AM	Court	Response - The petit jury in the Carmichael case came out of the 2001 qualified wheel; The grand jury that returned the indictments in the case came out of the 2001 qualified wheel. There has been no discovery about the composition of grand jury;
10:04:19 AM	Atty. Leach	That's correct; Asking that the lawyers for the defense be included under Carmichael protective order;
10:05:06 AM	Court	Wanted to get that clear; Not in position to rule on the motions; Discussions as to courts concerns of the sufficiency of the Affidavit of Mr. Jenkins; Discussions as to the law applicable to the cases;
10:06:58 AM	Atty. Leach	Response regarding request in the motion;
10:07:34 AM	Court	Addresses timing issue; Discussion as to discovery that would be allowed; Want to establish claim;
10:08:13 AM	Atty. Leach	Response; Discussion as to the make of the jury wheel;
10:08:55 AM	Court	Response - The way to address that is to take the depo of the jury clerk?
10:09:02 AM	Atty. Leach	After we have discovery so to have some idea what I'm looking at;
10:09:34 AM	Court	Discussion as to view of problem of the composition of the petit jury that Mr. Jenkins discussion in his affidavit;
10:09:49 AM	Atty. Leach	Response;
10:10:04 AM	Court	Discussion as to whether the clerk did not comply to the order entered by Judge Thompson;
10:10:06 AM	Atty. Leach	Response; Discussion as to how to conduct the discovery and analyze the statistic to include jurors coming out of the system and why they are coming out of the system;
10:10:46 AM	Court	Response;
10:10:49 AM	Atty. Leach	Response as to allegations made in Carmichael;
10:11:03 AM	Court	Discussion as to the whether or not the grand jury and the composition of the petit jury different?
10:11:51 AM	Atty. Leach	Addresses problems; Understanding of grand jury selection process;

10:12:42 AM	Court	Discussion of deplete a grand jury that is selected;
10:12:49 AM	Atty. Leach	People are excused;
10:13:49 AM	Court	Discussions as to the Clay issue and how the clerk dealt with jurors that were deferred;
10:14:17 AM	Atty. Leach	Response - we don't know without discovery; Discussion as to whether the motion should stand;
10:14:57 AM	Court	You want me to allow all access to the Carmichael information;
10:15:12 AM	Atty. Leach	That's correct.
10:15:17 AM	Court	That's not a problem;
10:15:22 AM	Atty. Leach	Discussions as to the 2005 wheel dispute; Ask that the same kind of discovery be submitted;
10:15:33 AM	Court	We don't have a petit jury yet;
10:15:39 AM	Atty. Leach	Response;
10:15:45 AM	Court	Not going to get information as to juror biographical information;
10:16:03 AM	Atty. Leach	Response as to how to determine the racial make up of the jurors;
10:16:22 AM	Court	Your entitled to that; Could be done as to juror number;
10:16:22 AM	Atty. Leach	Information might be different; Participant be numbers cannot be correlated to race without the name;
10:17:30 AM	Atty. Perrine	Response;
10:18:18 AM	Court	Not voter registration list, it's the percent of African Americans eligible to vote in the district; Discrepancy in the figures used;
10:18:46 AM	Atty. Leach	Response;
10:18:55 AM	Court	Response as to age;
10:19:15 AM	Atty. Leach	Discussion of the Clay analysis;
10:19:52 AM	Court	Response as to Fair Cross Selection claim;
10:20:19 AM	Atty. Leach	Response;
10:21:27 AM	Court	Addresses issue that both motion seek biographical information;
10:22:02 AM	Atty. Leach	Response;
10:22:43 AM	Court	Discussion as to composition of the petite jury;
10:24:22 AM	Atty. Leach	Response as to discovery needed;
10:27:04 AM	Court	Discussion as to trial setting and time frame to get matters done;
10:27:22 AM	Atty. Leah	Prepared to waive speedy trial;
10:28:17 AM	Court	Response; May 1st is a firm trial date;
10:28:39 AM	Atty. Leach	Response;
10:29:03 AM	Court	Discussion as to what discovery that will be allowed; Discussion as to the make up of the racial make up of the jury;
10:30:11 AM	Atty. Leach	Response;
10:31:13 AM	Court	Response; will set interim conf
10:31:39 AM	Atty. Perrine	Addresses issue; Discussion and to disclosure of name on the jury wheel;
10:32:13 AM	Court	Addresses the Fair cross claim;
10:33:25 AM	Atty. Leach	Response;
10:33:53 AM	Court	2001 GJ information;

10:34:08 AM	Atty. Leach	Might need to expand discovery;
10:34:33 AM	Court	Will take a look at that;
10:35:11 AM	Atty. Leach	Respnse;
10:35:56 AM	Court	
10:36:23 AM	Atty. Leach	Discussion as to 2005 wheel;
10:36:38 AM	Court	The gove. position?
10:36:53 AM	Atty. Perrine	Response;
10:37:25 AM	Atty. Leach	Response;
10:37:33 AM	Court	Will get order out on the discovery;
10:37:42 AM	Court	Court is recessed.